

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOSEPH DOWNING, JR.,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:22-cv-02175-CDS-EJY

ORDER

On December 30, 2022, Plaintiff filed a Civil Rights Complaint under 42 U.S.C. § 1983. ECF No. 1-1. Plaintiff did not submit a complete application to proceed *in forma pauperis* or pay the \$402 filing fee. Under 28 U.S.C. § 1915(a)(2) and LSR 1-2, an inmate seeking to commence a civil action in this Court may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the \$402 filing fee or pay the filing fee.

To apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3), (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

Accordingly, IT IS HEREBY ORDERED that on or before **February 13, 2023**, Plaintiff must either pay the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court's approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* on or before **February 13, 2023**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows

1 Plaintiff to file his case with the Court, under a new case number, when he is able to comply with
2 LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

3 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
4 form application to proceed *in forma pauperis* for inmate along with the information and instructions
5 for filing the same.

6 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1),
7 but will not file it at this time.

8 Dated this 13th day of January, 2023.

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10 ELAYNA J. YOUCHAK
11 UNITED STATES MAGISTRATE JUDGE
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